

Remarks

In response to the Office Action dated July 30, 2007, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. In the present application, independent claims 1-8, 10, 20, 21, and 26 have been amended and claims 11 and 13-19 have been cancelled without prejudice or disclaimer.

Applicants' Statement of the Substance of the Interview

A telephonic interview between the undersigned representative for the Applicants and the Examiner was held on October 15, 2007. During the interview it was agreed that "user input instructions" and "system output instructions" instead of "hardware input/output instructions" would cure the claim objections and the §112 rejections. Additional claim amendments were discussed but no agreement was reached. The Examiner requested written amendments and arguments be provided.

Claim Objections

The Office Action objects to claims 1, 20, 26 and their dependent claims based on the Examiner's interpretation of the phrase "hardware input instruction" and "hardware output instruction". The Office Action Asserts that the phrases, as interpreted, are not supported in the specification. Applicants respectfully disagree.

However, in the interest of an efficient prosecution the phrases have been amended to read "user input instructions" and "system output instructions" by agreement. Support for the terms "user input instructions" and "system output instructions" may be found throughout the specification and specifically in paragraphs 0012, 0020, 0031 and 0039. As such, the objections may be withdrawn.

Claim Rejections - 35 U.S.C. §112

Claims 1-10, 12, 20 and 26 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement such that they contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor had possession of the claimed invention. More specifically, the Office Action asserts that there is no disclosure supporting the claim recitation ‘...second hardware input instructions being compatible with the secondary operating system...second computer...and incompatible with the proprietary operating system ...first computer.

On page 4, the Office Action asserts that there is no requirement or implementation details describing that some **hardware input instructions when received at the server will be incompatible with the client operating system**. Applicants disagree.

As a preliminary matter, as discussed above concerning the claim objections, the phrase “hardware input instructions” has been amended to read “user input instructions” and “hardware output instructions” has been changed to “system output instructions”. (See Spec. Para. 0020). To the extent that replacing the phrase “hardware input instructions” with “user input instructions/system output instructions” cures the rejection, the rejection may be withdrawn as to independent claims 1, 20 and 26.

Further, Applicants respectfully point out that there is explicit description in the specification concerning the incompatibility between the user input instructions of the first and second operating systems. For example, user input instructions are described in an embodiment as commands from application software 212a which are implemented through operating system 210a. Non-limiting, exemplary user input instructions are described as those for receiving inputs from a mouse or keyboard. (Spec. Para. 0024). Output related instructions or “system output instructions” are described as those related to displaying data or creating sounds (Spec. Para. 0008). Client computing system 116a and server computing system 112a may be different types of computing devices with different user interfaces. Each device is operable to implement instructions on its own particular hardware and interface. (Spec. Para. 0021).

Further, Paragraph [0044] describes an exemplary embodiment that uses XML as an intermediary transport data format that allows for remote access between *disparate computing environments*. For example, even if computing systems 112a-c and 116a-c employ different operating systems, *or are otherwise incompatible* the use of an intermediary data format allows remote control of server 112a-c by client computing systems 116a-c. As such, there is explicit support for “incompatibility (with respect to an OS)”. Implementation details are found throughout the specification. For example, paragraphs [0036-0037] describes the need and/or

use of translators 216a and 222a for converting incompatible user input and user output instructions.

Because the specification provides support for “user input instructions”, “system output instructions” and incompatibility between the with the proprietary operating systems of the first and second computer systems, the asserted lack of description is remedied and the §112 rejections against amended independent claims 1, 20 and 26 may be withdrawn. Claims 2-10 and 12 stand rejected because they depend from amended independent claim 1. As such, the rejections against claims 2-10 and 12 may also be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 1-10, 12 and 20-27 are rejected as being anticipated by Salmenkaita (U.S. Patent App. 2004/0176958). Applicants respectfully traverse the rejections.

Amended independent claim 1 specifies a method for providing remote computer control of an application executing on a second computer from a first computer over a network. The method comprises via a first user interface, receiving a first user input instruction by a proprietary operating system on the first computer for execution, the first user input instruction being operationally compatible with the proprietary operating system and operationally incompatible with a second operating system executing on the second computer which incorporates a second user interface, wherein the first user interface is dissimilar to the second user interface and translating the first user input instruction into a non-proprietary data script defining at least one XML item utilizing a first device driver resident in the proprietary operating system on the first computer, wherein the first device driver formats the first user input instruction into at least one XML item corresponding to the first user input instruction. After translation, the method includes transmitting the non-proprietary data script defining the at least one XML item from the first computer to the second computer and translating the non-proprietary data script defining the at least one XML item into a second user input instruction utilizing a second device driver in the second operating system on the second computer, wherein the second device driver translates the at least one XML item corresponding to the first user input instruction into the second user input instruction, the second user input instruction being compatible with the second operating system on the second computer and incompatible with the proprietary operating system on the first computer, the second user input instruction being

functionally similar to the first user input instruction for execution on the second computer. The method also includes executing the second user input instruction on the second computer.

It is respectfully submitted that Salmenkaita fails to describe each and every feature specified in amended claim 1. Salmenkaita concerns itself with a system using voice commands from a wireless device to instantiate an application on the wireless device available on a network. (Abstract). The voice commands correspond to a list of previously defined XML voice short-cuts to that can be matched to a voice input to instantiate one of several user services that may be accessed from the wireless device. (¶ 0039).

In a distributed computing environment, Salmenkaita describes that various processing tasks may be distributed between the wireless user device, a network server and other network devices. (¶ 0046). The network servers are configured to implement both a service recommendation and the related voice recognition processing. When a voice command is received from the user by the wireless device, the voice data is transmitted to the network server which uses voice recognition processing to identify the service by matching the voice command to a voice shortcut. The network server then returns the selected service address to the wireless device for instantiation (¶¶ 0047 and 0049). The voice short-cuts are voice XML tags where a voice recognition device translates the voice commands to voice XML. A network server then identifies a service corresponding to a voice short-cut that matches the user's voice command (see ¶¶ 0008, 0044 and 0052).

In general, it appears that throughout the description in Salmenkaita that the operating systems of both the wireless device and the network server are never described as being incompatible and therefore never are described as requiring instruction translation. Salmenkaita does describe using voice recognition for translating verbal commands to voice XML and that mere voice utterances, without translation, are incompatible with the operating systems of the wireless device and the network server. However, just because the operating systems of the wireless device and the network server require the translation of verbal utterances into a native machine language format that is compatible with their particular operating systems, it does not follow that Salmenkaita is describing that its wireless device operating system is incompatible

with the operating system of the network server. To the contrary, Salmenkaita implies that the operating systems of the network server and the wireless device are directly compatible.^{1,2}

Specifically, Salmenkaita fails to disclose “via a first user interface, receiving a first user input instruction by a proprietary operating system on the first computer for execution, the first user input instruction being operationally compatible with the proprietary operating system and operationally incompatible with a second operating system executing on the second computer which incorporates a second user interface, wherein the first user interface is dissimilar to the second user interface”, as specified in amended claim 1.

For example, Salmenkaita uniformly describes the use of a micro-browser to communicate among the hand held wireless device and the network distributed system components (0047-0050). Salmenkaita’s embodiments uniformly fail to disclose the translation of the voice short-cuts, after being received at the network server from the wireless device, into incompatible instructions with respect to the wireless device. In fact, Salmenkaita discloses receiving voice command data and short-cuts from the wireless device and using this information without any translation whatsoever (see paragraph 0052).

As another example, Salmenkaita fails to describe “...translating the first user input instruction into a non-proprietary data script defining at least one XML item utilizing a first device driver resident in the proprietary operating system on the first computer...” Salmenkaita fails to describe the use of a first device driver to translate because Salmenkaita does not translate anything to or from a proprietary data script or operating system format at all.

Based at least on the foregoing, Salmenkaita fails to describe each and every element of claim 1. It is, therefore respectfully submitted that the Office Action fails to establish a prima facie case of obviousness such that claim 1 is allowable over Salmenkaita. Claims 2-10 and 12 each depend from amended independent claim 1 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons. Amended independent claims 20, 21, and 26 specify similar features as amended independent claim 1 and thus are also allowable for at least the same reasons. Claims 22-25 and 27 depend from amended independent

¹ [T]he system and method may be implemented through a distributed networked system in which various processing tasks and data maintenance may be distributed between a portable wireless device and one or more network elements, such as a network server. (Salmenkaita, Para. 0046).

² For example, after initiation of the micro-browser by the user or other triggering event, the wireless device receives the voice command from the user and forwards the voice command to the network server and other relevant information... (Salmenkaita, para, 0047).

claims 21 and 26, respectively, and thus specify at least the same features. Therefore, these claims are also allowable for at least the same reasons. Accordingly, the rejection of claims 2-10, 12, and 20-27 should also be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

No fees are believed to be due other than for a one month extension of time. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Date: November 20, 2007

Respectfully submitted,

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